UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/31
5 July 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session
Item 9 (a) of the provisional agenda

# THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS: QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

## List of States which have proclaimed or continued a state of emergency

CONTENTS

| | Paragraphs | Page |
|---|---|---|
| Introduction | 1 - 5 | 2 |
| I. COUNTRIES OR TERRITORIES IN WHICH A STATE OF EMERGENCY HAD BEEN PROCLAIMED BEFORE JUNE 1997 AND EXTENDED THEREAFTER | | 3 |
| II. COUNTRIES OR TERRITORIES IN WHICH A STATE OF EMERGENCY WAS PROCLAIMED AFTER JUNE 1997 AND TERMINATED THEREAFTER | | 5 |

GE.99-13946 (E)

## Introduction

1. The present document is submitted pursuant to Commission on Human Rights decision 1998/108 in which the Commission, having taken note of the final report and the tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency submitted by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1997/19 and Add.1), and recognizing the important work done by Mr. Despouy, decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period.

2. In drawing up this list, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought relevant information from a host of potential sources. These sources included the notifications to the Secretary-General of the United Nations by States parties to the International Covenant on Civil and Political Rights of the imposition of a state of emergency and of the derogation from certain provisions of the Covenant, non-governmental organizations and other sources, including international news sources.

3. In the course of its work of information-gathering, OHCHR has noted that there is a paucity of official information on states of emergency. The United Nations Office of Legal Affairs, acting as the depositary of States' notifications on behalf of the Secretary-General, has received a limited amount of updated information.

4. OHCHR also encountered difficulties in obtaining information on the imposition of states of emergency in countries which are not parties to the International Covenant on Civil and Political Rights and, therefore, have no obligation to notify such imposition to the Secretary-General. Furthermore, information could not be easily obtained on situations of de facto states of emergency where various types of security laws and measures are imposed, seriously affecting the human rights of citizens.

5. In order to understand the implications of the proclamation, extension and termination of states of emergency for the situations of human rights in the countries concerned, an analysis of legal arrangements and States' practices affecting human rights and fundamental freedoms under the state of emergency is essential. In this sense, and for the reasons and owing to difficulties described above, the list is meant to be neither complete nor comprehensive.

## I. COUNTRIES OR TERRITORIES IN WHICH A STATE OF EMERGENCY HAD BEEN PROCLAIMED BEFORE JUNE 1997 AND EXTENDED THEREAFTER

### Algeria

The state of emergency decreed in 1992 is still in effect.

[Sources: Human Rights Watch, Amnesty International Annual Report 1999]

### East Timor

A state of emergency was declared on 9 September 1983. Its termination has never been announced.

[Source: Tenth annual report of the Special Rapporteur (E/CN.4/Sub.2/1997/19/Add.1)]

### Egypt

The state of emergency declared in 1981 still remains in force.

[Source: Amnesty International Annual Report 1999]

### Israel

The state of emergency proclaimed in May 1948 has remained in force, notably in the occupied territories.

[Source: Human Rights Watch, concluding observations of the Human Rights Committee on Israel 1998]

### Peru

The state of emergency in the Department of Huanuco was extended from 24 June 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 25 June 1998]

The state of emergency in the Departments of Loreto, Apurimac and Pasco was extended from 28 July 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 30 July 1998]

The state of emergency in the Department of Lima was extended from 10 August 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 14 August 1998]

The state of emergency in the Department of Huanuco was extended from 8 August 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 2 September 1998]

The state of emergency in the Departments of Loreto, Apurimac and Pasco was extended from 26 September 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 29 September 1998]

The state of emergency in the Department of Lima was extended from 9 October 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 8 October 1998]

The state of emergency in the Departments of Loreto, Apurimac and Pasco was extended from 25 November 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 30 November 1998]

The state of emergency in the Department of Lima was extended from 8 December 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 16 December 1998]

The state of emergency in the Department of Huanuco was extended from 29 December 1998 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 30 December 1998]

The state of emergency in the Departments of Loreto, Apurimac and Pasco was extended from 24 January 1999 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 11 February 1999]

The state of emergency in the Department of Lima was extended from 6 February 1999 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 13 March 1999]

The state of emergency in the Departments of Loreto, Apurimac and Pasco was extended from 25 March 1999 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 29 March 1999]

The state of emergency in the Department of Lima was extended from 7 April 1999 for 60 days.

[Source: notification of the Government to the United Nations Secretary-General dated 7 May 1999]

Sri Lanka

The state of emergency in parts of the country was extended to the whole country in August 1998. Another state of emergency was declared in February 1998. Emergency regulations imposed censorship in June and postponed provincial council elections in August. The censorship remained in force at the end of 1998.

[Source: Amnesty International Annual Report 1999]

Syrian Arab Republic

The state of emergency declared by martial order No. (2) on 8 March 1963 is still in force.

[Source: Syrian Human Rights Committee]

Turkey

The state of emergency in six provinces of the south-east has remained since the 1970s.

[Source: Amnesty International Annual Report 1999]

## II. COUNTRIES OR TERRITORIES IN WHICH A STATE OF EMERGENCY WAS PROCLAIMED AFTER JUNE 1997 AND TERMINATED THEREAFTER

Ecuador

A state of emergency in the province of Guayas was declared on 11 January 1999 by executive decree No. 483 owing to the serious internal disturbance resulting from the massive crime wave in the province.

[Source: notification of the Government to the United Nations Secretary-General dated 14 January 1999]

A state of emergency was declared in the entire territory on 9 March 1999 owing to internal disturbances. It was terminated on 15 March 1999.

[Source: notification of the Government to the United Nations Secretary-General dated 15 March 1999]

Guatemala

By decree No. 1-98 of 31 October 1998, a state of public disaster was declared throughout the national territory for a period of 30 days in order to resolve the hazardous situation caused by Hurricane Mitch and to mitigate its effects.

[Source: notification of the Government to the United Nations Secretary-General dated 20 November 1998]

Nigeria

A state of emergency was imposed on 30 December 1998 after a peaceful demonstration demanding the withdrawal of oil companies operating in Nigeria.

[Source: Human Rights Watch]

Pakistan

A national state of emergency was declared and fundamental rights were suspended after nuclear tests were conducted in May 1998. The Pakistani Supreme Court restored fundamental rights in July 1998, declaring their suspension unjustified.

[Source: Amnesty International Annual Report 1999]

Russian Federation

The Chechen Parliament declared a 30-day state of emergency on 15 December 1998 in response to mounting crime.

[Source: International News Agency]

Solomon Islands

A state of emergency was declared on the South Pacific island of Guadalcanal on 16 June 1999 after several people were killed and houses burnt in growing ethnic unrest.

[Source: International News Agency]

Vanuatu

The state of emergency declared on 12 January 1998 after a riot at the headquarters of the Vanuatu National Provident Fund in Port Vila applied nationwide for two weeks, and was then extended for another two weeks in Port Vila and Luganville.

[Source: International News Agency]

Venezuela

The guarantees provided for in articles 9, 12 and 17 of the Covenant, suspended by decree No. 739 of 6 July 1995, were restored.

[Source: notification of the Government to the United Nations Secretary-General dated 3 March 1999]

Yugoslavia

The state of war imposed at the end of March 1999 in response to the NATO bombing campaign was lifted on 26 June 1999.

[Source: International News Agency]

Zambia

A state of emergency was imposed on 29 October 1997 after a failed coup attempt by junior army officers and extended on 29 January 1998. It was lifted on 17 March 1998.

[Sources: Amnesty International Annual Report 1998, International News Agency]

- - - - -